

REMARKS

Claims 1 – 2 remain in this application. Claims 1 and 2 have been amended.

In the Office Action, the disclosure was objected to because of certain informalities. To correct these informalities, Applicant has amended the paragraph beginning on page 1, line 7 such that the phrase --now U.S. Patent No. 6,796,889-- has been added after “application number 10/054,517.” Also, Applicant has amended the paragraph beginning on page 1, line 18 such that “In U.S. Application No. 09/738,305” now reads --In U.S. Patent No. 6,413,517--. Applicant submits that these amendments overcome the objections to the disclosure.

Further, claim 2 was objected to because of an informality, specifically that “the apertures in the sanding pad assembly” should be changed to “apertures in the backing pad.” Applicant has therefore amended claim 2 such that the claim now reads “a sanding disk having a plurality of holes disposed in like fashion to said apertures in said backing pad so that the plurality of holes of the disk align with the apertures in the backing pad.” Applicant submits that this amendment overcomes the objection to claim 2.

Furthermore, claim 1 has been amended in the following manner. In claim 1, the annular frame is now defined as “an annular frame having a circumferential side wall including first and second circumferential axially spaced edges, one of said edges being a lower edge of said side wall and being attached to said backing pad, and a back wall extending generally radially inward from the other of said circumferential edges and having an opening in vacuum pressure flow communication with said suction housing.”

Claims 1 and 2 were rejected under Section 102(b) as being anticipated by either Huang (U.S. Patent No. 4,930,264, hereinafter “Huang”) or Marton (U.S. Patent No. 4,616,449, hereinafter “Marton”). Specifically, the examiner stated that Huang and Marton disclose all of the limitations of claims 1 and 2. Applicant respectfully traverses this rejection.

Turning first to Huang, Huang discloses a grinding type polishing device. Huang, however, does not teach or suggest a sanding pad assembly including an annular frame

having a circumferential side wall including first and second circumferential axially spaced edges, one of the edges being a lower edge of the side wall and being attached to the backing pad, and a back wall extending generally radially inward from the other of the circumferential edges and having an opening in vacuum pressure flow communication with a suction housing, as claimed in the present application. In Huang, the lower casing 6 pointed out by the Examiner as being an annular frame is not the same as, nor an obvious variation of, the annular frame of the present invention. The lower casing 6 of Huang is merely a tubular ring disposed between a polishing plate 7 and an intermediate casing 5. The lower casing 6 contacts the polishing plate 7 and is held in place by being engaged with the intermediate casing 5 (see Fig. 3). The lower casing 6 of Huang is not attached to the backing pad at a lower edge thereof (in fact, the lower casing is not attached to the backing pad at any location) and the lower casing 6 does not include a back wall extending generally radially inward from another edge axially spaced from the lower edge. Therefore, Huang does not teach or suggest the features of claim 1.

Turning next to Marton, Marton discloses a suction plate having an upper circular plate, a central upstanding flange that rises above the inner portion of the plate and a peripheral rim that extends down from the outside edge of the plate. Legs can extend down from the bottom of the upper plate and holes therein allow for the suction plate to be attached to a backing pad. The present invention is distinct from this arrangement. In the present invention, a limitation of claim 1 is that the annular frame is attached to the backing pad at a lower edge of the annular frame. In contrast, the suction plate of Marton is attached through holes in an upper plate. The suction plate of Marton is not attached to the backing plate at a lower edge of a side wall so that a peripheral opening (eg., 36, 74) is formed between the lower edge of the rim and the outer edge of the backing pad. This peripheral opening is a key aspect of the invention of Marton as it allows for suction and removal of debris around the edge of the sander (see, for example, column 1, lines 47 - 55). The present invention as claimed in claim 1 cannot have such a peripheral opening because the annular frame is attached to the backing pad at a lower edge of the annular

frame. Marton therefore teaches away from the present invention. Of further note, the structure 42 pointed out by the examiner is an alternative embodiment of Marton shown in Figs. 4 - 6. The structure 42 is actually an elongated rectangular plate (see column 3, lines 51 - 56). Hence, the structure 42 is not an annular frame. Further, the peripheral rim 72 extending outwardly and downwardly from the plate 42 is not circumferential but instead rectangular. In sum, Marton does not teach or suggest the features of claim 1.

For these reasons, Applicant asserts that claim 1 is not anticipated by Huang or Marton and is therefore allowable. Further, claim 2, depending from claim 1, is also allowable. Therefore, Applicant requests that the Section 102(b) rejection based on Huang and Marton be withdrawn.

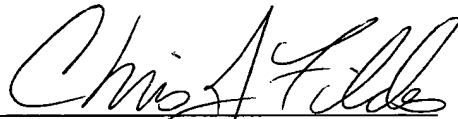
Applicant submits that the claimed invention clearly distinguishes over the cited references and should be found allowable.

This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Chris J. Fildes", written in dark ink.

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